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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
•	09/835,559	CORL, MARK T.
Office Action Summary	Examiner	Art Unit
•		
The MAILING DATE of this communication	Son P. Huynh	2623
Period for Reply	appears on the cover sneet with	Tale correspondence address -
A SHORTENED STATUTORY PERIOD FOR RE WHICHEVER IS LONGER, FROM THE MAILING  - Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory per  - Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the meanned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNIC, R 1.136(a). In no event, however, may a rep nod will apply and will expire SIX (6) MONTI atute, cause the application to become ABA	ATION.  Ily be timely filed  HS from the mailing date of this communication.  NDONED (35 U.S.C. § 133).
Status		
1)⊠ Responsive to communication(s) filed on 08     2a)⊠ This action is <b>FINAL</b> . 2b)□ T     3)□ Since this application is in condition for allocation accordance with the practice under	This action is non-final.  wance except for formal matter	•
Disposition of Claims		
4)  Claim(s) 1-3 and 5-31 is/are pending in the 4a) Of the above claim(s) is/are without 5)  Claim(s) is/are allowed. 6)  Claim(s) 1-3 and 5-31 is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction an  Application Papers  9)  The specification is objected to by the Example 10)  The drawing(s) filed on 08 February 2006 is Applicant may not request that any objection to the second sec	drawn from consideration.  ad/or election requirement.  aniner.  as/are: a)⊠ accepted or b)□ ol	•
Replacement drawing sheet(s) including the corn 11) The oath or declaration is objected to by the	•	
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of:  1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the papplication from the International Bur * See the attached detailed Office action for a	ents have been received. ents have been received in Appriority documents have been received in Appriority documents have been received.	plication No eceived in this National Stage
Attachment(s)		
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/Paper No(s)/Mail Date</li> </ol>	Paper No(s)/	mmary (PTO-413)  Mail Date  brimal Patent Application (PTO-152)

#### **DETAILED ACTION**

## Response to Arguments

1. Applicant's arguments with respect to claims 1-3, 5-31 have been considered but are most in view of the new ground(s) of rejection.

Claims 4 and 32 have been canceled.

#### Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13, 5-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-3 and 5-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-functional descriptive material.

Claims 1-3, 5-21 merely recite a "digital television signal", which comprises a "PSIP table..." which is data structure (mere arrangement of facts or data). This claim is merely a disembodied television signal and is analyzed as descriptive matter per se. (MPEP 2106[R3] IV B 1).

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Claim 22 merely recites "a method to generate program and system information protocol data about digital television DTV content" the "PSIP data including at least one PSIP table.." which merely claim nonfunctional descriptive material (abstract ideas).

The invention as claimed in claims 1-3, 5-22 is not a process, machine, manufacture, or composition of matter since it is directed to non-functional descriptive matter. Therefore, 35 U.S.C. 101 rejection is properly applied.

## Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 22-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 22-26 make reference to a preceding claim 1. The format of making reference to limitations recited in claim 1 results in confusion. Therefore, rejection under 35 U.S.C. 112, second paragraph is properly applied (see MPEP 2173.05 (f)).

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## Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 1-3, 5-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over "PROGRAM AND SYSTEM INFORMATION PROTOCOL FOR TERRESTRIAL BROADCAST AND CABLE" (hereinafter referred to as Doc. A/65) in view of Ozkan et al. (WO 99/20049).

Regarding claim 1, Doc. A/65 discloses digital television signal for use in a digital television receiver (e.g. receiver that receives television signal with PSIP tables – page 9) for receiving program and system information protocol (PSIP) data about digital television (DTV) content from a broadcast transmitter (transmitter that transmits television signal with PSIP tables – page 9), the digital television signal comprising a PSIP table (page 9), wherein the PSIP table comprises:

an information type descriptor including an information type identification field that contains a code specifying a data type of extra information associated with a virtual channel or an event in a DTV data stream (e.g. information descriptor such as channel

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type, table type, service type, etc. including identification field that contain code specifying data type of extra information such as specific source of video, text, data, or audio program, length, etc. associated with a virtual channel or an event in EIT table of DTV data stream – see page 14 section 6.1-page 42, section 6.8);

an extended information descriptor including an information expected usage field that includes a first field describing an expected usage of the extra information(e.g. descriptor including program rate, program name, program source, channel number, start time, title, etc. - see page 11 section 5-page 42, section 6.8). However, Doc. A/65 does not specifically disclose the expected usage including a display option of the extra information.

Ozkan, in an analogous art of providing for use in a digital television receiver for receiving program and system information protocol (PSIP) data about digital television content from a broadcast transmitter (page 5, lines 17-25, figures 1-2,18). the digital television signal comprising PSIP table, wherein the PSIP table comprising an extended information descriptor including an information expected usage field that includes a first field describing an expected usage of the extra information (e.g. tables comprises information descriptor such as program titles, program source, channel number, time, etc. - see including, but are not limited to, page 6, line 1- page 13, line 23, figures 2-16), the expected usage including a display option of the extra information (e.g. the television signal comprises program guide that contains multimedia objects and provides a user interface the supports Emails, Internet browsing, home shopping, etc.

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Internet webpage data or still images may be displayed in area 435 in response to user selection of preview icon – see including, but are not limited to, figure 2, page 8, lines 5-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Doc. A/65 to use the teaching as taught by Ozkan in order to at least access data from different service providers easily by selection of icon on the interface (page 5, lines 1-10; page 7, lines 9-25, page 8, lines 6-18, page 10, lines 1-10).

Regarding claim 2, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Doc. A/65 further discloses the information type description and the extended information descriptor includes: a descriptor tag field; and a descriptor length segment (e.g. see including, but are not limited to, page 36 – page 42).

Regarding claim 3, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 2. Doc. A/65 further discloses the descriptor tag field has a value for the information type descriptor and a value for an extended information descriptor field (see page 9, section 4.2, page 36-page 42). It would have been obvious to one of ordinary skill in the art to use a value of 0xC9 for the information type descriptor field and a value of 0xC8 for extended information descriptor field in order to achieve developer's desire.

Regarding claim 5, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Doc. A/65 further discloses the code included in the information type identification field characterizes the extra information as one of: an MPEG-formatted video file, an ASCII text file, JPEG formatted image file, or an MPEG formatted audio file, (see including, but are not limited to, page 10, paragraph 2, page 18, paragraph 6, page 19, last paragraph, page 22, last paragraph, page 24, paragraph 1, page 30, paragraph 5, page 44, page 49, section C1 –page 52, page 70, section D1, page 78). Alternatively, Ozkan also discloses the coded included in the information type identification field characterizes the extra information as one of an MPEG-formatted video file, an ASCII text file, JPEG formatted image file, HTML-formatted text file page 5, lines 12-20, page 8, lines 7-18, page 10, lines 1-10).

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Regarding claim 6, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Doc. A/65 further disclosed the information type descriptor includes an information description length field; and an information description text field (page 18, section 6.3, page 24, page 30, section 6.5-page 42, section 6.8). Alternatively, Ozkan further discloses the information type descriptor includes information description length field and an information description text field (see figures 2, 6-16).

Regarding claim 7, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 6. Doc. A/65 further discloses the information

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description length field identifies a length of the information description text field (e.g. rating description length field identifies a length of rating description text field – page 37, paragraph 7). Alternatively, Ozkan further discloses the information description length field identifies a length of the information description text field (e.g. information description length identifies duration/size of program/object in program guide- figure 2, page 25, lines 1-18).

Regarding claim 8, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 6. Doc. A/65 further discloses the information description text field includes text that characterizes the extra information associated with the virtual channel or an event in a DTV data stream (e.g. program title, rating, etc. see including, but is not limited to, page 26 - page 42). Alternatively, Ozkan further discloses the information description text field includes text that characterizes the extra information associated with a virtual channel or an event in a DTV data stream (e.g. additional information such as internet web site, advertisement associated with the channel – figure 2, page 8, lines 6-25).

Regarding claim 9, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 8. Doc. A/65 further discloses the information type identification field includes code description (e.g. program title, rating, etc.) corresponding to the text description in the information description text field (pages 24-42, 70-81).

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Regarding claim 10, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Doc. A/65 further discloses the extended information descriptor further includes an information location length field (PID, channel, source, etc.); and an information location text field (e.g. channel name, program title, rating, etc. – pages 24-42, 71-80). Alternatively, Ozkan further discloses the extended information descriptor includes an information location length field (program location, source, etc.) and an information location text field (location of object name/title, etc. figures 2, 6-16, page 8, lines 6-18).

Regarding claim 11, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Ozkan further discloses additional program specific information describing and supplementing items within the hierarchical tables is conveyed within descriptor information elements, the decoder identifies particular multimedia objects. The data structures enables objects to be positioned anywhere in a program guide and to be associated with individual program specific information table elements such as preview 447 is positioned associated with ICECAPADES icon, Results 445 associated with World Cup, etc. (page 7, line 1-30, figure 2). Ozkan further discloses multimedia comprises advertisements and animation may be displayed in area 437 (page 8, lines 6-18 – figure 2). Thus, the information expected usage field inherently includes a second field that describes the extra information as being an advertisement or not and the third field that describe a location on a screen where the

creator of the extended information descriptor anticipates that a representation of the extra information should be position (e.g. in area 437) so that the advertisement and animation are identified and displayed in area 437.

Regarding claim 12, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Doc. A/65 further discloses the first field describes the extra information as one of: extended event, extended program guide (EPG) information that is to be displayed during an EPG display when an event is selected (e.g. display program guide information/EIT when master program guide is selected – page 11-page 13); extended event selected information that is to be displayed when an event is selected (e.g. displaying ETT tables when MGT is selected-page 13); or extended channel EPG information that is to be displayed during an EPG display when a channel is selected (displaying channel information when channel is selected – pages 26-28, 85). Alternatively, Ozkan further discloses the first field describes the extra information as one of: extended event, extended program guide information that is to be displayed during an EPG display when an event is selected (e.g. user selection to display program guide - figure 2); extended event selected information that is to be displayed when an event is selected (e.g. user selection to display a web page, program, advertisement, etc. figure 2); extended channel EPG information that is to be displayed during an EPG display when a channel is selected (i.e. user selection of a particular channel such as CBS on the program guide - figure 2);

extended channel selected information that is to be displayed when a channel is selected (figure 2); and user defined information (i.e. user selection of Fax, Phone, Email, etc. – figure 2).

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Regarding claim 13, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 10, Ozkan further discloses the information location length field identifies a remaining length of the extended information descriptor as determined by the information location text field (further information associated with the program title field, program channel field, web page field, etc. – figure 2).

Regarding claim 14, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 10. Ozkan further discloses the information location text field includes a string of text that is interpreted as a URL (i.e. URL of web page or URL of WWW site – page 8, lines 6-18, page 10, lines 5-10, figure 2).

Regarding claim 15, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 14. Ozkan further disclose the user access Internet address (e.g. URL 905) for additional information that is associated with the television program received at the receiver (page 8, lines 6-18, page 10, lines 1-10, page 12, liens 3-15, figure 2). The URL (i.e. URL address 905) is a reference to a data program within the DTV data stream or data external to the DTV data stream.

Regarding claim 16, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 15. Ozkan further discloses the external data is from the world wide web (WWW) – WWW site – page 8, lines 6-18, page 10, lines 1-10, page 12, lines 3-15).

Regarding claim 17, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 15. Ozkan further discloses the data from the WWW site and URL address (page 8, lines 6-18, page 10, lines 1-10, page 12, lines 3-15). Inherently, the data program within the DTV data stream is referenced with a path beginning as http:// www.

Regarding claim 18, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Doc A/65 further discloses a link between an information type descriptor and at least one of a virtual channel table and an event information table (page 9, page 11-33).

Regarding claim 19, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Doc. A/65 further discloses a link between the extended information descriptor segment and virtual channel table (pages 9-33).

Regarding claim 20, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Ozkan further discloses the first field describes the

extra information as being: intended to be displayed during a displaying of an EPG (e.g. additional information, web information, etc. – figure 2).

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Regarding claim 21, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. Ozkan further discloses the third field describes the location (position of the objects) as being lower right of the display screen (e.g. advertisement and animation may be displayed in area 437-figure 2, page 8, lines 6-18).

Regarding claim 22, the limitations of a method as claimed is broader than the limitation of the digital television signal as claimed in claim 1, and are analyzed as discussed in the rejection of claim 1.

Regarding claim 23, the limitations of PSIP generator as claimed is broader than the limitations of the digital television signal as claimed in claim 1, and are analyzed as discussed with respect to the rejection of claim 1.

Regarding claim 24, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 1. It is obvious to one of ordinary skill in the art that the generator is embodied on a computer running software so that the processor automatically performs the functions.

Regarding claim 25, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 24. Ozkan further discloses the type of object being described (e.g. Email MINE format, Internet HTML, etc.) – page 10, lines 6-8). However, neither Doc A/65 nor Ozkan specifically discloses the software is written in the language Java. Official Notice is taken that writing software in the language Java is well known in the art. For example, writing software in language Java for user interface such as program guide, web page, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Doc A/65 in view of Ozkan to use the well-known teaching in the art in order to modify the content/object on the user interface/web page easily.

Regarding claim 26, the limitations of computer readable article as claimed correspond to the limitations of memory as claimed in claim 1. It would have been obvious to one of ordinary skill in the art to embody software to generate PSIP data about digital television content in order that the instructions could be automatically performed by a processor.

Regarding claim 27, Doc. A/65 in view of Ozkan discloses a method to generate an extended program guide (EPG) display about content in a digital television (DTV) stream of data packets (generate master program guide with multiple tables that contains links between objects, channel information, program name, start time, program rating, etc. –see A/65, pages 12-42, 71-80), the method comprising:

receiving the DTV stream of data packets, the stream containing at least one program and system information protocol (receiving data packets in transport stream at the receiver, the stream containing tables in PSIP standard – see A/65-page 9, page 11-page 13, page 15, section 6-2, page 18, page 30, section 6.5-page 42, pages 71-84);

recognizing an information type descriptor and an extended information descriptor within the PSIP table, the information type descriptor includes an information identification field that contains a code specifying a data type of extra information associated with a virtual channel or an event in the DTV stream of data packet (recognizing (by the decoder) an information type descriptor and an extended information descriptor based on descriptor tag within PSIP table that contains a code specifying a data type of extra information associated with virtual channel or an event in DTV stream of data packets such as a program title, program source, an event in EITs, program rating, etc. – see A/65, page 6, section 3.3-page 7, pages 9-42, pages 71-83), the extended information descriptor includes an information expected usage field with includes a first field describing an expected usage of the extra information (e.g. master program guide comprising field that links to EIT, ETT tables and in EIT, ETT tables includes fields that link to program name, program time, program channel, program rating, program source, etc. (interpreted as usage of extra information) – see A/65 pages 9-18, pages 30-42, pages 71-83).

A/65 further discloses system information allows navigation and access to each of the channels within the transport stream, whereas event description gives the user

content information for browsing and selection (page 71, paragraph 1). Thus, the EPG display is inherently generated based on at least one of the code included in the information type identification field and the expected usage described in the first field (i.e. events in master program guide, in EIT, in ETT, such as program name, channel, start time, etc.). However, A/65 does not specifically disclose the expected usage including a display option of the extra information.

Ozkan, in an analogous art, discloses receiver that receives multimedia objects in tables of PSIP. The objects are used to generate EPG display (figures 1-16, 18). The tables comprises extended information descriptor includes an information expected usage field which includes field describing an expected usage of the extra information (table include field for describing extended information such as advertisement, animation, web link, object title, etc. - page 7, lines 1-12), the expected usage inlouding a display option of the extra information (e.g. displaying program guide with multiple icons associated with channel, program name, etc. that allow user to select a particular channel, object to watch, or displaying option such as displaying advertisement and animation in particular position such as area 437 - figure 2, page 7, lines 12-20, page 8, lines 5-18). Ozkan further discloses generating the EPG display as a function of at least one of the code included in the information type identification field and the expected usage described in the first field (generating EPG display based on program type, channel, size, object position, etc. - figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Doc. A/65 to use the teaching as taught by Ozkan in order to at least access data from different

service providers easily by selection of icon on the interface (page 5, lines 1-10; page 7, lines 9-25, page 8, lines 6-18, page 10, lines 1-10).

Regarding claim 28, the limitations of the digital television receiver as claimed correspond to the limitations of the method as claimed in claim 27, and are analyzed as discussed with respect to the rejection of claim 27.

Regarding claim 29, Doc A/65 in view of Ozkan teaches a receiver at discussed in the rejection of claim 28. Ozkan further discloses the processor at the receives configures the devices such as tuner, demodulator, etc. to performs the functions (figure 18, pages 18, line 20- page 27, line 22). It is inherently that at least part of the receiver is embodied on a computer running software so that the processor performs the functions automatically.

Regarding claim 30, Doc A/65 in view of Ozkan teaches a digital television signal as discussed in the rejection of claim 29. Ozkan further discloses the type of object being described (e.g. Email MINE format, Internet HTML, etc.) – page 10, lines 6-8). However, neither Doc A/65 nor Ozkan specifically discloses the software is written in the language Java. Official Notice is taken that writing software in the language Java is well known in the art. For example, writing software in language Java for user interface such as program guide, web page, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Doc A/65 in view of Ozkan

to use the well-known teaching in the art in order to modify the content/object on the user interface/web page easily.

Regarding claim 31, the claim is directed toward embody the method of claim 27 in "computer readable article of manufacture". It would have been obvious to embody the procedures of A/65 in view of Ozkan discussed with respect to claim 27 in a "computer readable article of manufacture" in order that the instructions could be automatically performed by a processor

#### Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ozkan et al. (US 7,032,236) discloses multimedia system for processing program guides and associated multimedia objects.

Gong (US 2002/0056103) discloses PSIP and the use of Java objects (paragraph 0042).

Nobakht et al. (US 6,745,223) discloses user terminal for channel based Internet network.

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9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

It is noted that Group Art Unit 2611 has been changed to Group Art Unit

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SPH April 26, 2006

> HAITRAN DRIMARY EXAMINER